

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0556 and DA 09-0605

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONNIE MACK SELLERS,

Defendant and Appellant.

FILED

FEB 26 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

SUPPLEMENTAL OBJECTION

As reflected in Sellers' "Petition to Remove Office of the State Public Defender," the Attorney General's Office objected to Sellers' petition.

The State did not file a separate objection to Sellers' petition because the State believed it was appropriate for the Office of the Appellate Defender (OAD) to respond to the petition in the first instance. The OAD has now filed its response.

The basis for the State's opposition to Sellers' petition was that issues regarding conflicts of interest and alleged prejudice should be addressed factually, contextually, and on a case-by-case basis rather than by means of a per se conflict rule. Accordingly, the State joins in the OAD's opposition and response to Mr. Sellers' petition.

Sellers' counsel has been contacted and does not object to the filing of this Supplemental Objection.

Respectfully submitted this 26th day of February, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Supplemental Objection to be mailed to:

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